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SUBJECT: EU TO SPEED UP COUNTER-TERRORISM MEASURES
AFTER LONDON ATTACKS

REF: USEU BRUSSELS 2148

SUMMARY

¶1. EU Justice and Home Affairs Ministers, at their July 13 extraordinary meeting convened in response to the London attacks, were "absolutely determined" to speed up implementation measures in the EU Action Plan to combat terrorism. A four-page declaration gave new momentum to a detailed list of already planned CT measures, committing the Council to the adoption of EU legislation on the retention of telecom data (October 2005) the European Evidence Warrant (December 2005), and the exchange of information between law enforcement authorities (December 2005). The declaration also underlines "the importance of preventing people turning to terrorism by addressing the factors that contribute to radicalization and recruitment to terrorist groups." The Council will agree by the year's end on an EU strategy setting out action on this issue. French Minister Sarkozy confirmed that France had temporarily restored controls at its borders and got a strong rebuttal from the UK Presidency for telling reporters that some of the team suspected in the London attacks had been arrested and freed last year. Full text of Council conclusions has been transmitted to EUR/ERA. END SUMMARY.

NO NEW MEASURES

¶2. At the extraordinary Council meeting convened by the British Presidency in response to the London attacks, EU Ministers for Justice and Home Affairs (JHA) swiftly adopted a declaration strengthening the Council's "commitment to combating terrorism and upholding the principles of freedom, security and justice." The four-page declaration called the July 7 attacks "an affront to universal values on which the EU is based" and to the EU's commitment to democratic societies "within which people of all faiths and backgrounds can live, work and prosper together." The declaration said: "The terrorists who reject that commitment and seek to use violence to impose their ideas will be defeated."

¶3. The Council, working with CT Coordinator de Vries, the Commission and the European Parliament, will "accelerate implementation of the EU Action Plan on Combating Terrorism and other existing commitments." UK Home Secretary/Council chair Charles Clarke had opened the meeting by saying: "None of our proposals are new. But we have to speed up our work to ensure that we put in place, in practice, the measures which are needed to make the work of terrorism more difficult." At the final press conference, Clarke said all delegations were "absolutely determined" to speed up implementation of CT measures. Commission Vice-President Frattini, who had told reporters following a Commission roundtable discussion earlier in the day that the time had come to "blame and shame" those Member States "who do not fully implement" the EU measures agreed after 9/11 and the March 2004 Madrid attacks, opined that the focus must be on "implementation rather than new legislation."

¶4. The Council said its immediate priority was "to build on the existing strong EU framework for pursuing and investigating terrorists across borders, in order to impede terrorists' planning, disrupt existing networks, cut off any funding and bringing terrorists to justice." The declaration gives new momentum to a detailed list of already planned CT measures (see <http://ue.eu.int/newsroom>). Among other points, the Council will:

--Agree the Framework Decisions on the Retention of Telecommunications Data (October 2005), on

the European Evidence Warrant (December 2005), and on the exchange of information between law enforcement authorities (December 2005); adopt the Decision on the exchange of information concerning terrorist offences (September 2005);

--Combat terrorist financing by: agreeing by December 2005 on a Regulation on Wire Transfers; adopting the Third Money Laundering Directive and the Regulation on cash control by September 2005; agreeing to a Code of Conduct to prevent the misuse of charities by terrorists (December 2005); reviewing the EU's performance overall (December 2005) and urging Member States to ensure that comprehensive financial investigation is a part of all terrorist investigations and to develop robust asset freezing powers.

15. Several ministers at national briefings and in side comments to the press highlighted the need for compulsory storage of telecom data, already discussed in the June 2 JHA Council (REFTEL). The draft Framework Decision requiring telecom providers to retain data for the investigation, detection and pursuit of criminal offences has been criticized by members of the European Parliament, who have raised concerns about proportionality, cost, privacy, and civil liberties. Commission President Barroso and Vice-President Frattini on July 13 said the Commission would table another draft piece of legislation in September with a view to putting data retention on a different (Community) legal basis (Note: this would require the EP's agreement under a procedure of co-decision with the Council that could complicate the formal adoption of the legislation, though the UK Presidency appeared to have secured an undertaking on the substance. End note). Frattini said the new draft would be part of a package that would also include data protection measures, thus ensuring a "balanced approach."

HOW TO COMBAT RADICALIZATION

16. The declaration underlines "the importance of preventing people turning to terrorism by addressing the factors that contribute to radicalization and recruitment to terrorist groups." The Council will agree by December 2005 on an EU strategy setting out action on this issue. Frattini said the problem was on the rise: "We are noting a growing recruitment of terrorists in the Member states." In his statement to the Council and meeting with press, French Minister of State/Interior Minister Sarkozy backed Clarke's call for a strategy to fight radicalization and recruitment by terrorist groups. Sarkozy called on EU governments to exchange intelligence on "radical Muslim preachers and imams whose actions disrupt public order by their support for violence, hatred and discrimination." Sarkozy, who said it was "terrifying" to think that young Europeans, who were born in Europe, can become suicide bombers, called for "operational exchanges on jihad supporters recently freed from prison and on channels for the sending of fighters to Iraq." Drawing "lessons from the London attacks," he called for better surveillance of places of worship, prisons, charities and associations, including sports clubs, "that are fronts for radical or terrorist ideologies."

FRANCE SUSPENDS SCHENGEN

17. The declaration also stressed "the need to reduce vulnerability to attack by protecting citizens and infrastructure." A European program for the protection of critical infrastructure will be agreed by the year's end. The Council will reinforce common standards on aviation security by the end of 2005. The Council also pledged to "develop further the ability to share visa information via the Visa Information System (VIS) and law-enforcement information via the second generation of the Schengen Information System (SIS II)." The Council was also committed to "prioritize the roll-out of biometrics," urging Member States to take a cooperative approach to "the provision of biometric capacity to visa issuing posts."

18. Taking questions, Sarkozy confirmed that France had temporarily restored controls at its borders, as permitted under the Schengen accords: "If we don't strengthen controls when there are fifty dead in London, I don't know when we do it."

SARKOZY GETS STRONG REBUTTAL FROM UK

19. The display of solidarity and unanimity was somewhat spoiled following Sarkozy's suggestion at his briefing that some of the team suspected to have planned the London attacks had been arrested (and subsequently freed) last year, which prompted a blunt denial by the UK. Clarke publicly distanced himself from Sarkozy, saying the French minister's comments had "absolutely no foundation." Clarke noted that Sarkozy left the meeting "halfway through," adding: "Perhaps that's his style. But he is a great leader of France and I wish him the best." A French spokesman later clarified that Sarkozy had not been referring to the four main suspects in the London attacks, but to other members of a group or network. Sarkozy had been speaking on his own authority, not quoting Clarke's briefing to ministers.

THE RIGHT TO SECURITY

110. Throughout the day, the British Presidency (Clarke at meeting with the European Parliament committee on Civil Liberties) and the Commission (Frattini) called for a "balanced approach" between fundamental rights and liberties and the need to ensure security. Frattini noted, "The right to security is in itself a fundamental right."

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